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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,707	07/10/2008	Benjamin BREITENSTEIN	BS/1-23010/A/PCT	8777
324 7590 08/03/2010 BASF Corporation Patent Department 500 White Plains Road P.O. Box 2005 Tarrytown, NY 10591			EXAMINER FANG, SHANE	
			ART UNIT 1796	PAPER NUMBER
			NOTIFICATION DATE 08/03/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/586,707

Applicant(s)

BREITENSTEIN ET AL.

Examiner

SHANE FANG

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

- The previous objection to claim 3 has been overcome by amendment.
- The amendment of claims 2-5 and 9, fixing the formality issues, is supported by the original claims.
- All previous rejections have been overcome by argument and withdrawn.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4-5, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Tonnvik et al. (US 6569933).

As to claims 1, 4-5, and 9, Tonnvik discloses a process of producing low dust granulate of polymer additives such as hindered phenol based antioxidant and thioester based antioxidant, wherein additive ingredients in solid or liquid form are added to twin screw extruder (co-kneader) and heated and extruded from holes (4 mm diameter) to form strands, then the strands are transported to a water stream cooled granulator consisted of two rolls and rotating blades to form granulates (comminuting). These granulates are cooled, dried via fluidized bed (1:1-35, 3:1-65, 4:5-60, claims 1-6).

Although Tonnvik is silent on impressing, the rolling would inherently results in impressing because of the pressure between rolls and be materials in between.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Tonnvik et al. (US 6569933) in view of Neri et al. (US 5844042), listed on IDS and ISP.

Disclosure of Tonnvik is adequately set forth in ¶12 and is incorporated herein by reference.

Tonnvik is silent on additives of the formulae of claims 2-3. Tonnvik discloses a generic process of producing low dust granulate of polymer additives such as hindered phenol based antioxidant thioester based antioxidant.

Neri discloses a process of producing granular polymer additives (Abs., Ex.2) such as tetrakis[3-(3,5-di-t-butyl-4-hydroxyphenyl)propionyloxymethyl] methane (meets claim 2) and octadecyl-3-(3',5'-di-t-butyl-4'-hydroxyphenyl)propionate (meets claim 3), both are equivalent primary antioxidants based on hindered phenols because of the bulky groups adjacent to phenol groups (2:5-30).

Therefore, as to claims 2-3, it would have been obvious to one of ordinary skill in the art at the time of the invention to have replaced phenol based antioxidant with

tetrakis[3-(3,5-di-t-butyl-4-hydroxyphenyl)propionyloxymethyl] methane and octadecyl-3-(3',5'-di-t-butyl-4'-hydroxyphenyl)propionate because of their equivalent functionality as antioxidants and produce these additives via the generic process of Tonnvik. These conditions appear to equally apply to both polymer additive productions using similar primary antioxidants. This adaptation would have obviously yielded instantly claimed invention.

As to claim 10, Tonnvik is silent on using sieve granulator.

Neri discloses a general comminuting process and condition thereof for preparing additive granules by using powder-sieving machine (sieve granulator) (Ex. 2) and results in complete pulverizing (Ex. 2). It is also known that sieving would separate and remove particles of undesired size.

Therefore, as to claim 10, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the process disclosed by Tonnvik and replaced the rotational blade and/or added the sieve granulator in view of Neri, because the resultant process would yield improved granulation and separate and remove particles of undesired size.

5. Claims 6-7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tonnvik et al. (US 6569933) in view of Hovis et al. (US 4457775) listed on previous 892

Disclosure of Tonnvik is adequately set forth in ¶12 and is incorporated herein by reference.

Tonnvik is silent on additives using squeeze rollers having smooth and polished surface followed by shaping rolls having embossing lines of claim 6 and shaping rolls having grooves of claim 7.

Tonnvick discloses using to two rolls for transportation followed by granulation via blade (Ex. 2). One of ordinary skill in the art would obviously recognize to modify a roller with smooth surface for compressing and facilitating the transfer of polymer additives for sequential granulating process.

Hovis et al. discloses a process of preparing porous films with net-like patterns (1:5-15, Fig. 4) comprising polymers and other additives (1:58-68, 2:1-5) by passing extrudate of polymer composition (workable state) through rolls having engraved (embossing) lines (2:10-25, Fig. 1-3). Hovis et al. further implies said rolls having grooves by showing grooves on the resultant porous films with net-like structures (2:10-25, Fig. 2-4). In light of this and in view of Tonnvick, one of ordinary skill in the would obviously recognize to add engraved roller having grooves to shape sheet like polymer additives after extrusion and roll compacting into porous, net-like patterns, which facilitates the sequential granulation process.

Tonnvick is an analogous art. Hovis et al. is an analogous art, because it pertains to forming porous films with net-like structures that contains polymer additives. It also solves same issue as present invention form shaping porous, net-like patterns by using roller.

Therefore, as to claims 6-7, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the process disclosed by Tonnvick,

applied the first compacting roller with smooth surface, and replaced the second roller with the engraved roller having grooves in view of Hovis, because the resultant process would facilitates materials transfer and forming porous, net-like patterns, which would facilitate the sequential granulation process. In addition, the granulation process can be consolidated, because the rotational blade is not needed for granulation.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tonnvik et al. (US 6569933) in view of Legge et al. (US 4457775) listed on previous 892.

Disclosure of Tonnvik is adequately set forth in ¶12 and is incorporated herein by reference.

Tonnvik is silent on using continuous steel belt for cooling and solidification. Tonnvik discloses using fluidized bed for cooling (solidification) and transportation.

Legge discloses solidifying of melting mixture of Mg and forming granules on continuous steel belt with water cooled on its underside (for facilitating cooling). Although Legge fails to disclose polymer additives, Legge is an analogous art, because it solves the same issue of cooling and solidifying granulates as present invention. Instant [0082] also shows the continuous steel belt is coolable by water being sprayed onto its underside.

Therefore, as to claim 8, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the process disclosed by Tonnvik and add continuous steel belt for cooling and solidification in view of Legge, because the

resultant process would a more efficient cooling and solidification process by using continuous steel belt with water cooled on its underside.

Response to Arguments

The argument for allowance of amended claims has been fully considered and persuasive. All previous rejections have been withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHANE FANG whose telephone number is (571)270-7378. The examiner can normally be reached on Mon.-Thurs. 8 a.m. to 6:30 p.m. EST.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Art Unit: 1796

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James J. Seidleck/
Supervisory Patent Examiner, Art Unit 1796

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